

**WAUKESHA COUNTY BOARD OF ADJUSTMENT
SUMMARY OF MEETING**

The following is a Summary of the Board of Adjustment Meeting held on Wednesday, September 14, 2022, at 6:00 p.m. in Room 255/259 of the Waukesha County Administration Center, 515 W. Moreland Blvd., Waukesha County Wisconsin, 53188.

BOARD MEMBERS PRESENT: Tom Day, Chairman
Richard Nawrocki
Richard Bayer
Nancy M. Bonniwell
Stephen Schmidt

BOARD MEMBERS ABSENT: None

SECRETARY TO THE BOARD: Richard Nawrocki

PLANNING STAFF MEMBER: Ben Greenberg

The following is a record of the motions and decisions made by the Board of Adjustment. Detailed minutes of these proceedings are not produced, however, an audio recording of the meeting is kept on file in the office of the Waukesha County Department of Parks and Land Use, and an audio recording is available, at cost, upon request.

SUMMARY OF PREVIOUS MEETING:

Mr. Nawrocki *I make a motion to approve the Summary of the Meeting of August 10, 2022.*

The motion was seconded by Mr. Schmidt and carried unanimously.

NEW BUSINESS:

BA130: DAVID M. DAVIS, LAKESIDE ROAD PROPERTY TRUST (OWNER)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** for a variance from the non-conformance to offset provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit a vertical and lateral expansion of an existing one-story cottage.

Discussion between the owner (David Davis), his architect (Dale Streitenberger), Board and Staff followed. A letter of support from Tim and Julie O'Malley – W285 N3126 Lakeside Rd. was submitted.

The petitioner noted that his family bought the property in 1968 and has always used it seasonally. He is concerned about air quality and is seeking the room improvements to provide ductwork for a new HVAC system that would improve air circulation and air quality in home.

Public Reaction: None

Decision and Action:

Mr. Bayer *I make a motion to **approve** the request with the following condition and for the following reasons.*

Condition:

- 1. Prior to the issuance of a Zoning Permit, a Legal Non-Conforming Use - Conditional Use Permit must be obtained from the Waukesha County Park and Planning Commission.*

Reasons:

There is a hardship present since the air quality issue can't be adequately addressed without some modifications to the roof. Other than a small, covered entry to provide safe access to the home, no expansion of the footprint is proposed. The deed restriction required as part of the Conditional Use Permit will guarantee that the structure will be removed if the family sells the property.

The motion was seconded by Mr. Schmidt and carried unanimously (4-0). (Ms. Bonniwell recused herself.)

BA133: JAMES BOSCHUETZ (OWNER)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **approval** of a variance from the substandard lot provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to allow for future improvements on the property.

Discussion between the owner (James Boschuetz Jr.), Board and Staff followed.

Public Reaction:

Connie and Mike Cummings (W350N5373 Road B) were concerned that the residence would become rental units. They also asked if each lot had its own well.

Dan Taylor (W350N5350 Road B) is concerned that the property will become a VRBO (short term rental).

Decision and Action:

Ms. Bonniwell *I make a motion to **approve** the request in accordance with the staff report with the reasons stated in the staff report.*

The motion was seconded by Mr. Nawrocki and carried unanimously.

BA132: ADIL DZABIROSKI (OWNER)

Public Hearing:

Staff provided a brief summary of the Staff Report and Recommendation. Staff's recommendation was for **denial** of variances from the wetland setback requirements and the maximum accessory building height provisions of the Waukesha County Shoreland and Floodland Protection Ordinance to permit after-the-fact construction of an accessory building.

Discussion between the owner (Adil Dzabiroski), his attorney (Michael Van Kleunen - Axley), his engineer (Harry Butler - Butler Engineering), Board and Staff followed.

Planner: Attorney Michael Van Kleunen submitted an information package dated September 14, 2022.

Public Reaction: None

Decision and Action:

Mr. Bayer *I make a motion to **approve** the request with the following condition and for the following reasons.*

Condition:

- 1. Prior to the issuance of a zoning permit, a wetland buffer mitigation plan shall be submitted to the Planning and Zoning Division staff for review and approval. The buffer shall wrap around the west and north sides of the garage and extend to a minimum depth of thirty (30) feet (where available) and shall be a size equal to or greater than the footprint of the building. The buffer shall be maintained in perpetuity and a declaration of restrictions shall be recorded to memorialize the mitigation plan and maintenance requirement. If the plan cannot be executed based on existing site conditions, the petitioner will need to submit an alternative wetland mitigation plan to the Planning and Zoning Division for review and approval.*

Reasons:

A hardship is present due to the lack of alternative locations for the accessory building. As conditioned, the building will not adversely impact the wetland. Given the distance to any neighboring properties, the additional height will not impact other property owners.

The motion was seconded by Mr. Schmidt and carried by a vote of 3-2 (Mr. Day and Ms. Bonniwell voted no).

OTHER ITEMS REQUIRING BOARD ACTION:

None.

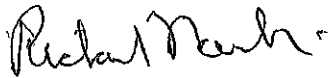
ADJOURNMENT:

Mr. Nawrocki

I make a motion to adjourn this meeting at 9:24 p.m.

The motion was seconded by Mr. Bayer and carried unanimously.

Respectfully submitted,



Richard Nawrocki
Secretary, Board of Adjustment